

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>IN THE MATTER OF:</b>	)	
	)	
Central Soya Company, Inc.	)	<b>NOTICE AND FINDING OF</b>
Gibson City, Illinois	)	<b>VIOLATION</b>
	)	
	)	EPA-5-08-IL
Proceedings Pursuant to	)	
Section 113(a)(1) and (a)(3)	)	
of the Clean Air Act, 42	)	
U.S.C. § 7413(a)(1) and	)	
(a)(3)	)	
_____	)	

**NOTICE AND FINDING OF VIOLATION**

The Administrator of the United States Environmental Protection Agency (U.S. EPA) is issuing this Notice of Violation and Finding of Violation under Section 113(a)(1) and (a)(3) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a)(1) and (a)(3). U.S. EPA finds that Central Soya Company, Inc. (Central Soya) is violating Part C of the CAA and the Illinois State Implementation Plan (SIP), and Sections 502 and 503 of the CAA, 42 U.S.C. § 7661a-7661b, as follows:

**Statutory and Regulatory Background**

**Prevention of Significant Deterioration**

1. On June 19, 1978, U.S. EPA promulgated the Prevention of Significant Deterioration (PSD) of air quality standards pursuant to Subtitle I, Part C of the Act. The PSD regulations were revised on August 1, 1980 (45 Fed. Reg. 52676). These regulations are codified at 40 C.F.R. § 52.21 (43 Fed. Reg. 26403).
2. Part C of Title I of the Act and the PSD regulations implementing Part C, at 40 C.F.R. § 52.21, prohibit a major stationary source from constructing a modification without first obtaining a PSD permit if the modification is major in that it will result in a significant net increase in emissions of a regulated pollutant and if the source is

located in an area which has achieved the National Ambient Air Quality Standards (NAAQS) for that pollutant. Part C and its implementing regulations further require that a source subject to PSD regulations install Best Available Control technology (BACT). 40 C.F.R. § 52.21(j).

3. 40 C.F.R. § 52.21(b)(1)(i)(b) defines a "major stationary source" as any stationary source which emits, or has the potential to emit, 250 tons per year or more of any air pollutant subject to regulation under the Act.
4. 40 CFR § 52.21(b)(2)(i) defines a "major modification" as any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the Act.
5. 40 C.F.R. § 52.21(b)(3)(i) defines "net emissions increase" as "the amount by which the sum of the following exceeds zero:
  - (a) Any increase in actual emissions from a particular physical change or change in method of operation at a stationary source; and
  - (b) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable."
6. In reference to ozone, significant net emissions increase means an emissions rate of 40 tons or more per year of volatile organic compounds (VOCs). 40 C.F.R. § 52.21(b)(23)(i).
7. An applicant for a permit to modify a stationary source is required to provide all relevant information to allow the permitting authority to perform an analysis or make the determination required in order to issue the appropriate permit. 40 C.F.R. § 52.21(n).
8. The PSD regulations were incorporated into the Illinois SIP on August 7, 1980. 40 C.F.R. § 52.738 (45 Fed. Reg. 52741, August 7, 1980, as amended at 46 Fed. Reg. 9584, January 29, 1981).

Requirements for SIP Construction Permits

9. On May 31, 1972, U.S. EPA approved Illinois Pollution Control Board (PCB) Rule 103(a)(1) as part of the federally enforceable SIP for Illinois. 37 Fed. Reg. 10842. Due to renumbering of the Illinois PCB Rules, Rule 103(a)(1), as approved by U.S. EPA, is currently set forth at Ill. Admin. Code Title 35, § 201.142.

Requirements for SIP Operating Permits

10. On May 31, 1972, U.S. EPA approved Illinois Pollution Control Board (PCB) Rules 103(b)(1) and 103(b)(2) as part of the federally enforceable SIP for Illinois. 37 Fed. Reg. 10842. Due to renumbering of the Illinois PCB Rules, Rules 103(b)(1) and 103(b)(2), as approved by U.S. EPA, are currently set forth at Ill. Admin. Code Title 35, §§ 201.143 and 201.144, respectively.
11. Section 201.143 prohibits the operation of any new emission source or new air pollution control equipment of a type for which a construction permit is required by Section 201.142 without first obtaining an operating permit from the State of Illinois.
12. Section 201.144 prohibits the operation of any emission source constructed or modified prior to April 14, 1972, without first obtaining an operating permit.
13. The Illinois SIP requirements identified in paragraphs 10-12 are federally enforceable under Sections 110 and 113 of the CAA, 42 U.S.C. §§ 7410 and 7413.

Requirements for Title V Operating Permits<sup>1</sup>

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<sup>1</sup> Although the Clean Air Act does not require U.S. EPA to issue an NOV for purposes of alleging violations of Title V requirements, U.S. EPA wants to ensure that the source is comprehensively notified of all significant Clean Air Act violations known to U.S. EPA at this time.

14. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), provides that no source may operate without a Title V permit after the effective date of any permit program approved or promulgated under Title V of the CAA.
15. Section 503(d) of the CAA, 42 U.S.C. § 7661b(d), sets forth the requirement to timely submit an application for a permit, including required information.
16. 40 C.F.R. § 70.5(a) provides that an owner or operator shall submit a timely and complete permit application in accordance with Part 70 requirements.
17. 40 C.F.R. § 70.7(b) provides that no source subject to Part 70 requirements may operate without a permit as specified in the CAA.
18. U.S. EPA promulgated final interim approval of the Illinois Title V program on March 7, 1995 (60 Fed. Reg. 12478), and the program became effective on that date.

#### **Central Soya's Facility**

20. Central Soya owns and operates a soybean processing facility at Routes 47 & 9, Gibson City, Illinois.
21. Central Soya's facility is subject to the PSD regulations in the Illinois SIP and to the requirements to obtain PSD construction permits, and operating permits incorporating such PSD requirements, as required by the CAA and the Illinois SIP rules.
22. Since 1993, Construction Permit 93030081 limits the annual grain throughput of the Central Soya plant to 18.25 million bushels.
23. Central Soya's facility is subject to Title V of the CAA (Sections 502 and 503) because it is a major source (as defined in Section 501(2) of the CAA) with the potential to emit more than 100 tons per year of VOCs.

Violations

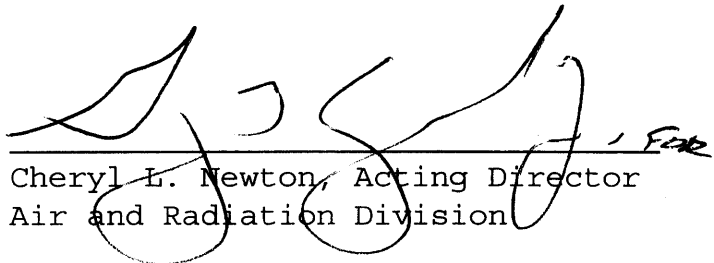
24. In 1984, Central Soya performed a soybean meal loading and blending project at its Gibson City Facility.
25. This project included new conveyors to store white flakes mill feed and new rail and truck loadouts. This project increased efficiency and incorporated an expansion of meal storage.
26. The 1984 project was performed after a 1981 project which, in part, included: installation of a new desolventizing toaster and desolventizing cooler (DTDC); installation of a mineral oil absorber tower; evaporative changes to the process; and replacement of the dehulling process, DTDC drier fan and oil heat exchanger.
27. Central Soya's 1984 project resulted in increased VOC emissions above the significance level without Central Soya obtaining a PSD permit, and undergoing PSD review, including applying BACT, in accordance with the CAA, violating the Illinois SIP rule, 40 C.F.R. § 52.21.
28. Central Soya failed to provide the permitting authorities with all relevant information necessary for the permitting authorities to perform an analysis of whether Central Soya's proposed changes were a "major modification", or make the determination required in order to issue the appropriate permit, resulting in an erroneous determination in violation of the CAA, and the Illinois SIP rule.
29. Central Soya has operated and continues to operate its facility without obtaining a PSD permit for the 1984 project, violating the Illinois SIP rules and 40 C.F.R. § 52.21.
30. Central Soya has operated and continues to operate its facility without an operating permit which incorporates PSD requirements, violating the Illinois SIP rules.
31. These violations exist from at least the date of start of construction and continues until the appropriate permits are obtained and the necessary pollution control equipment is

installed and operated.

32. Central Soya has failed to submit a timely and complete Title V permit application with information pertaining to the 1984 major modification, violating Section 503 of the CAA and the regulations at 40 C.F.R. §§ 70.5(a) and 70.7(b), thereby violating Section 502 of the CAA.
33. These violations exist from February 26, 1984, and continue until Central Soya submits a complete Title V permit application.
34. For calendar years 1994, 1995, 1996, 1997, 1998 and 2000, Central Soya has violated the actual annual grain throughput limit of 18.25 million bushels in its construction permit.

Year	Actual Annual Grain Throughput (million bushels)	% Above Limit
1994	18.54	1.59
1995	18.62	2.03
1996	18.31	0.33
1997	18.40	0.82
1998	18.38	0.71
2000	18.60	1.92

2/13/03  
Date

  
Cheryl L. Newton, Acting Director  
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shanee Rucker, certify that I sent a Notice of Violation and Finding of Violation, No. -5-YY-ST-[ ], by Certified Mail, Return Receipt Requested, to:

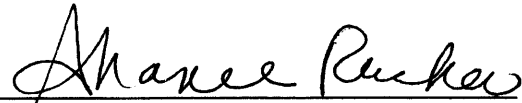
C.A. Janiszewski, Plant Manager  
Central Soya Company, Inc.  
Routes 47 & 9  
P.O. Box 112  
Gibson City, Illinois 60936

I also certify that I sent copies of the Notice of Violation and Finding of Violation by first class mail to:

Julie Armitage, Acting Manager  
Compliance and Systems Management Section  
Bureau of Air  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, Illinois 62702

John Justice, Regional Manager  
Field Operations Section  
Region III  
Illinois Environmental Protection Agency  
2009 Mall Street  
Collinsville, Illinois 62234

on the 13 day of February, 2003.

  
Shanee Rucker, Secretary  
AECAS, (MI/WI)  
(312) 886-6086

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 15648917